IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

SUE JEANES	§	
	§	
	§	**CIVIL NO. _________________**
VS.	§	**JURY**
	§	
	§	
CENTRAL VENTURE, LLC	§	
DBA CENTRAL TITLE COMPANY	§	

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 621 *et seq*., and 28 U.S.C. § 1331. This suit is authorized and instituted pursuant to the Age Discrimination in Employment Act The jurisdiction of this Court is invoked to secure protection of and to redress depravation of rights secured by 29 U.S.C. § 621 *et seq*. providing for relief against discrimination on the basis of age in employment. This Court has supplemental jurisdiction under 28 U.S.C. § 1367 over Plaintiff's claim for relief pursuant to §451 of the Texas Labor Code for retaliation against Plaintiff for filing a claim for workers compensation benefits.

2. Venue is proper in the Court pursuant to 28 U.S.C. § 1391 in that the Plaintiff is a resident of the district, the Defendant is doing business in this district, and the activities giving rise to the Plaintiff's claim took place in this district.

3. The company has continuously and does now employee more than fifteen (15) persons.

4. Since at least January 1, 1999, the company has continuously been and is now an employer engaged in an industry affecting commerce within the meaning of § 701 (b)(g)(h) of Title VII, 42 U.S.C. Section 2000e (b)(g)(h).

5. Within 180 days of the occurrence of the acts of which Plaintiff complains, a charge of

employment discrimination was filed with the Equal Employment Opportunity Commission (EEOC) by Plaintiff against the company.

6. On April 25, 2011, Plaintiff received a "Notice of Right to Suit" from the Texas Commission on Human Rights acting as the investigative agency for the EEOC regarding this charge of discrimination EEOC#450-2011-01866 and a civil action is now instituted in the appropriate Federal District Court within ninety (90) days of the date the receipt of said notice.

PARTIES

7. Plaintiff, SUE JEANES, is an individual residing in Hideaway, Smith County, Texas.

8. Defendant, CENTRAL VENTURE, LLC DBA CENTRAL TITLE COMPANY (“Central Title”) has continuously been and is now a Texas corporation doing business in Tyler, Texas. Defendant may be served through its registered agent, Earl Roberts Jr., 4000 Technology Center Longview, TX 75605.

FIRST CLAIM FOR RELIEF
ADEA - 29 U.S.C. § 621 *et seq.*

9. Plaintiff was an employee of Defendant. Plaintiff was employed by Smith County Title in Tyler, Texas on June 15, 1992 as a clerical office worker. Smith County Title was acquired by Central Title on October 1, 2008. Plaintiff was employed for a total 18 years and seven months with the company.

10. Plaintiff performed her duties successfully as an employee of the Defendant up to the date of her termination.

11. On or about January 24, 2011, Plaintiff’s employment with Defendant was terminated by Defendant.

12. Plaintiff was born on January 8, 1942 and was 69 years old at the time of her termination.

13. Plaintiff is informed and believes and therefore alleges that Defendant replaced her in the position, which she formerly held with Defendant with a younger employee.

14. The termination of Plaintiff by Defendant was because of Plaintiff’s age, which violates 29

U.S.C § 623(a)(1) and therefore entitles Plaintiff to relief under the provisions of 29 U.S.C. §626.

15. At all times relevant hereto, Defendant has enacted and effected policies and practices of unlawful and systematic age discrimination against Plaintiff by inter alia:

(a) Failing to equalize conditions of employment for Plaintiff as contrasted with comparably trained and qualified younger employees;

(b) Adopting unreasonable, unwarranted and arbitrary standards and conditions of employment and advancement designed to discriminate against Plaintiff in favor of younger employees; and

16. The termination of Plaintiff’s employment by Defendant constitutes a willful violation of 29 U.S.C. § 623 and as such entitles Plaintiff to recover double damages.

SECOND CLAIM FOR RELIEF
TEXAS LABOR CODE 451.001

17. On November 5, 2010, Plaintiff fell at work, thereby suffering an on-the-job injury which required her to seek medical attention. Plaintiff received workers compensation benefits by reason of that on the job injury. Mrs. Jeanes went to a worker’s compensation doctor on Monday, November 8, 2010 and returned to work by 1:00 p.m. on that same day. On Tuesday, November 9, 2010, Steve Taylor and Janie Malone came to the Lindale office to meet with Mrs. Jeanes. Mr. Taylor began the meeting by stating: “Since you were injured, your work has really slowed down.” Steve Taylor, the senior officer of Central Title’s Tyler office, in making the specific comments regarding Plaintiff’s physical condition indicated a bias against her because of the fact she suffered an on the job injury and claimed workers compensation benefits. Plaintiff was therefore, discriminated against in violation of § 451.001 of the Texas Labor Code because she filed a workers’ compensation claim in good faith, instituted or caused to be instituted a workers’ compensation claim in good faith, testified. Plaintiff would show that Defendant would not have

terminated her employment when it did had Plaintiff not engaged in an activity protected under § 451.001 of the Texas Labor Code. Plaintiff would show that the Defendants conduct in the eyes of the law is characterized as malicious.

DAMAGES

18. At the time of her discharge, Plaintiff earned approximately $34,000.00 per year, and received benefits from Defendant consisting of a profit sharing plan and 401k plan.

19. Plaintiff would show the court that she has suffered actual damages for lost back wages, insurance benefits, lost future wages, emotional pain and suffering, inconvenience, mental anguish and loss of enjoyment of life as a direct result of Defendant's discriminatory employment practices described above.

20. Plaintiff would show that Defendant intentionally violated the ADEA and is therefore liable to Plaintiff for liquidated damages.

21. Defendant intentionally inflicted extreme emotional distress upon Plaintiff by intentionally discharging Plaintiff on the basis of her age. Plaintiff has suffered extreme emotional distress, embarrassment, severe disappointment, indignation, shame, despair, and public humiliation due to Defendant's discharge of Plaintiff.

22. Plaintiff's harm was a result of the Defendant's actual malice or reckless indifference to Plaintiff's state-protected rights, thus Plaintiff seeks exemplary damages.

23. Plaintiff is entitled to recover her reasonable and necessary attorney's fees pursuant to 29 U.S.C. § 626.

24. Plaintiff demands a trial by jury with respect to all issues triable as of right by jury.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that judgment be entered against Defendant and in favor of Plaintiff:

(a) Requiring that Defendant pay over to Plaintiff the damages suffered by Plaintiff by reason of Defendant's illegal acts and practices, including adjusted back pay and front pay, with interest, and additional amount as liquidated damages;

(b) Requiring Defendant pay to Plaintiff damages for mental distress imposed upon Plaintiff through and as a result of the aforementioned discriminatory acts;

(c) Requiring Defendant to pay Plaintiff in the nature of double or punitive damages as a result of Defendant's willful discrimination against Plaintiff;

(d) Requiring that Defendant pay to Plaintiff her attorney's fees and costs and disbursements incurred in the prosecution of this suit; and such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

__/s/____________________________

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